

ORDINANCE 2007-03

AN ORDINANCE REGULATING THE DISCHARGE OF FIREARMS, PELLET GUNS, BB GUNS AND BOWS AND ARROWS WITHIN THE CITY LIMITS OF SOMERSET AND PROVIDING PENALTIES.

WHEREAS, the City Council of the City of Somerset desires to protect the safety and security of the citizens of Somerset without undue infringement on their liberty, and;

WHEREAS, the City Council of the City of Somerset, Texas recognizes the danger of using firearms in confined areas within the City Limits, and;

WHEREAS, it is recognized that although dangerous, certain circumstances may justify the discharge of a firearm by posing an even greater threat or danger to one or more members of the community, and;

WHEREAS, it is also recognized that new guidelines are required to support new Texas law allowing possession of concealed handguns, and the discharge of firearms on larger parcels within the incorporated limits of a City, and;

WHEREAS, it is also recognized that exhibitions and indoor shooting ranges take measures to mitigate the dangers of firearms discharge,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, TEXAS:

SECTION I. USE AND DISCHARGE OF CENTER FIRE OR RIM FIRE RIFLES OR PISTOLS:

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any center fire or rim fire rifle or pistol on any tract of land within the City limits of Somerset, that is less than 20 acres, or within 200 feet of a residence or occupied building located on another property, or in a manner that permits the projectile of the firearm to cross the boundary of the tract of property, or without permission of the land owner.

SECTION II. USE AND DISCHARGE OF SHOTGUNS:

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any shotgun on any tract of land within the City limits of Somerset, which is less than 5 acres, or within 150 feet of a residence or occupied building located on another property, or in a manner that permits the projectile of the firearm to cross the boundary of the tract of property, or without permission of the property owner.

SECTION III. AIR RIFLE OR PISTOL, BB GUN, OR BOW AND ARROW:

It shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any air rifle or pistol, BB gun, or bow and arrow in a manner that permits the projectile to cross the boundary of the tract of property, or without permission of the property owner. Additionally, it shall be unlawful for any person under the age of seventeen to discharge, any air rifle or pistol, BB gun, or bow and arrow within the City limits of Somerset, without adult supervision.

SECTION IV. LEASE OR RENT LAND FOR COMMERCIAL HUNTING:

It shall be unlawful to lease or rent any land within the City limits for the purpose of commercial hunting, unless approval by the city council.

SECTION V. EXCEPTIONS:

Nothing herein shall be construed to apply to the use of firearms:

- a. In exhibitions of charitable contests conducted under conditions and supervision approved by the City Council after application has been made to the City and permit has been issued;
- b. By duly qualified and commissioned peace officers in the performance of the official duties of their office;
- c. For the protection of a person or property in or about his home in accordance with the laws of the State of Texas.
- d. By persons licensed to carry a concealed handgun under the provisions of Article 4413(29ee and 29 bb), Title 70, Revised Statutes who discharged a weapon as an act of deadly force to:
 - (1) Defend their own lives.
 - (2) Defend the life of another person.
 - (3) Prevent the imminent commission or stop the commission of Murder; Aggravated Sexual Assault; Sexual Assault, Arson, Aggravated Kidnapping, Robbery; and Aggravated Robbery.
- e. By persons on the firing line of a licensed indoor shooting range that has been inspected by the City of Somerset and granted a Certificate of Occupancy for weapons firing. However, weapons shall be unloaded and cased at all places and times away from the firing line of an indoor shooting range. No weapon shall be in plain view outside the building housing the shooting range.

SECTION VI: SEVERABILITY:

If a section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining portion of the Ordinance.

SECTION VII: PENALTIES:

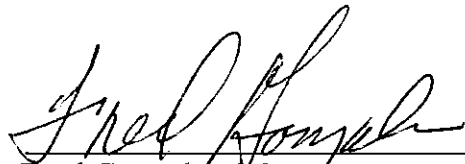
Any person or corporation or association violating any of the provisions of this ordinance or failing to observe any of the provisions hereof, shall be deemed guilty of a Class C misdemeanor and upon conviction shall be fined in any sum not more than five hundred (\$500.00) dollars, and each violation shall be a separate offense.

SECTION VIII: SUPERSESSION:

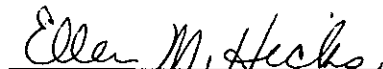
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE IMMEDIATELY UPON CITY COUNCIL'S VOTE PASSING SAID ORDINANCE.

PASSED AND APPROVED, this the 13 day of February 2007.


Fred Gonzales, Mayor

ATT'EST:


Ellen Hicks, City Clerk/Treasurer